IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 20457 of 2007(I)

OS.194/2006 of ADDL.M.C.,IRINJALAKUDA
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PETITIONERS:
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1. AMMINI, W/O.LATE KARUVAN KRISHNAN,
VAZHIYAMBALAM DESOM, KODAKARA VILLAGE,
MUKUNDAPURAM TALUK.

2. SHAILAJA, D/O.LATE KARUVAN KRISHNAN,
VAZHIYAMBALAM DESOM, KODAKARA VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.V.BINOY RAM

RESPONDENT:

DAISON, S/O.KULAYADAN DEVASSY,
ALOOR VILLAGE, DESOM, MUKUNDAPURAM TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 20457 OF 2007

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Dated this the 4th day of July, 2007.

J U D G M E N T

This writ petition is filed seeking to quash Exts.P4 and P5 orders passed by the Subordinate Judge, Irinjalakkuda in CMA 24/06. The suit was filed as O.S.194/06. In the interim application an injunction was granted against the defendant from interfering with the peaceful possession of the plaint schedule property and destroying the boundaries. With a delay of 138 days, the CMA was filed. The Court below was not satisfied with the ground mentioned for condoning the delay as materials were lacking and therefore dismissed the interlocutory application and consequently the CMA.

2. I have perused the order of the learned Subordinate Judge. Now, at this juncture, the writ petitioner wants to produce document to show that his daughter's marriage was conducted on 6.7.06 which will not have any impact in this case because he got certified copy only on 15/7/06 and the delay is thereafter. I am also convinced that the delay is not properly explained. Therefore, the order of the learned Subordinate Judge does not

call for any interference. But, at the same time it is desirable that the suit be disposed of at the earliest. Therefore, the writ petition is dismissed and the Court below is directed to dispose of the case within a period of three months from today and the writ petitioner is directed to produce a copy of this order before the said Court. I make it very clear that the disposal of the suit shall be untrammeled by the observations mentioned by the Court in the interlocutory order.

M.N. KRISHNAN, JUDGE.

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